

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

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| MICHAEL DAVID WILSON, JR | : | |
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| Plaintiff, | : | |
| | : | |
| v. | : | Case No. 5:23-cv-000145-MTT-CHW |
| | : | |
| Warden SMITH, et al., | : | Proceedings Under 42 U.S.C. § 1983 |
| | : | Before the U.S. Magistrate Judge |
| Defendants. | : | |
| | : | |

ORDER

Plaintiff Michael David Wilson, Jr., an inmate presently confined at Coastal State Prison, filed a *pro se* civil rights complaint asserting claims under 42 U.S.C. § 1983. (Doc. 1). Consistent with the Court’s order and recommendation, (Doc. 6), the clerk attempted to serve Defendants Joseph Grantham, Brown, and Williams at Macon State Prison (MSP). The mailed process receipt and return for Defendants were returned unexecuted. (Docs. 13, 19, 20). A deputy U.S. Marshal attempted to personally serve Defendant Grantham at MSP, but the prison’s personnel office had no record of an employee with than name. (Doc. 18).

Because Plaintiff is proceeding *in forma pauperis*, he is entitled to rely on the Court to effect service. “*In forma pauperis* litigants should be entitled to rely on the court officers and United States Marshals to effect proper service, and should not be penalized for failure to effect service where such failure is not due to fault on the litigant’s part.” *Fowler v. Jones*, 899 F.2d 1088, 1095 (11th Cir. 1990). Even so, *in forma pauperis* litigants may not remain silent and do nothing to help effectuate service of process. *Id.* At a minimum, an *in forma pauperis* litigant should request service upon the appropriate defendants and attempt to remedy any apparent service defects of which he has knowledge. *Id.*

Accordingly, Plaintiff is hereby **NOTIFIED** that the Court received an unexecuted process receipt and return for Defendants Brown and Williams on November 9, 2023 (Docs. 19, 20), and the attempt to personally serve Defendant Grantham was also unsuccessful as noted above. (Doc. 18).

If Plaintiff wishes to pursue his claims against Defendants, then, within 21 days of this order, Plaintiff is **DIRECTED** to remedy the apparent service defect concerning Defendants by providing the Court with additional information regarding their identities, for example first names for Defendants Brown and Williams, or their current addresses or places of employment, so that the Court may continue its efforts to perfect service on Plaintiff's behalf.

SO ORDERED, this 14th day of December, 2023.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge